IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 11929 of 2004

Between:

Mirza Mohammed Ali Baigh, S/o Mirza Qamar Ali Baigh,
R/o Special C.Class 644, Mallepally, Mouzampura, Hyderabad

..... PETITIONER

AND

1 The Commissioner of Police, Cyberabad, Ranga Reddy District, Hyderabad
2 The Station House Officer, Neredmet, Malkajgiri Mandal, Ranga Reddy District
3 Smt.K.Ratna Kumari, W/o Sarath Babu, R/o LIG No.507, A.S.Rao Nagar, Ranga Reddy District, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or direction one or more in the nature of Writ of Mandamus directing the Respondents No.1 & 2 not to interfere in a civil dispute in respect of the property viz. i.e. all that plot of land bearing No.6 in survey No.278 admeasuring 300 Sq.Yards or 250 Sq.M. with a small room constructed thereon situated at Neredmut Village, Vinoba Nagar, Malkajgiri Municipality, RR District and bounded on the -North by neighbour's plot, South by Plot No.7, East by Neighbour's Plot and West by 25 ft wide road

Counsel for the Petitioner: MR.D.MADHAVA RAO

Counsel for the Respondent Nos. 1&2.: GP FOR HOME

Counsel for the Respondent No.3 :

The Court made the following ORDER:

This writ petition is filed by the petitioner aggrieved by the illegal action of the second respondent in calling him to the police station, harassing him and interfering with the immovable property of the petitioner of an extent of 300 square yards in Survey No.278 of Neredmut village, Vinobha Nagar, Malkajgiri Municipality, Ranga Reddy District, where the petitioner constructed a room, obtained power connection and also residing in the said premises.

2. According to the petitioner, the second respondent, at the instance of the third respondent, is calling the petitioner to the Police Station, harassing him and threatening him to vacate the property, even though, the second respondent has no jurisdiction to interfere with the civil dispute, if any. Therefore, the petitioner has come up with the present writ petition.

3. It is stated that the petitioner had purchased the property, bearing Plot No.6 in Survey No.278 admeasuring 300 square yards situated in Neredmut village, Malkajgiri Municipality, Ranga Reddy District, from one P. Venkatesh, S/o. Sayanna, under an agreement of sale dated 15.12.1994. After obtaining the possession, the petitioner has put up the structures and residing in the said property. It is also stated that when there was interference by third parties i.e., by one Balakrishna Reddy and Srinivas Reddy, the petitioner filed O.S.No.918 of 2004 on the file of the Principal Junior Civil Judge (East & North) Ranga Reddy District and obtained an injunction order. The petitioner also filed a private complaint against those persons, when they demolished a part of the structure in the above land, before the Judicial First Class Magistrate (East & North), Ranga Reddy District.

4. Now, the grievance of the petitioner is that at the instance of the third respondent, the second respondent is interfering by giving threats to the petitioner for vacating the premises.

5. Heard learned counsel for the petitioner and the learned Government Pleader for Home.

6. In view of the fact that the dispute relates to the property, the second respondent has no jurisdiction to interfere with the same or to call the petitioner to the Police Station and direct him to vacate the property in question. Further, when no criminal case was registered against the petitioner, the second respondent cannot call the petitioner to the Police Station at all.

7. Under the above circumstances, the writ petition is disposed of directing the second respondent not to interfere with the petitioner's possession of the above-referred land and not to call him to the Police Station.

14.07.2004

va

To

1 The Commissioner of Police, Cyberabad, Ranga Reddy District, Hyderabad
2 The Station House Officer, Neredmet, Malkajgiri Mandal, Ranga Reddy District
4 Two CCs to G.P. for Home, High Court of A.P. Buildings, Hyderabad (OUT)

5 Two CD Copies